

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH  
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY EIGHTH DAY OF OCTOBER  
TWO THOUSAND AND FOUR

PRESENT

**THE HON'BLE MS JUSTICE G.ROHINI**

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**WRIT PETITION NO : 14709 of 2004**

Between:

B.Anjanaiah, S/o Yellappa,  
R/o Nemalikallu Village (Nowlakal) Peddakadubur Mandal, Kurnool District.

..... PETITIONER

AND

- 1 The Joint Collector, Kurnool, Kurnool District.
- 2 The Revenue Divisional Officer, Adoni, Kurnool District.
- 3 The Mandal Revenue Officer, Peddakadubur Mandal,  
Kurnool District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of writ of mandamus declaring the proceedings of the 2nd respondent bearing Rc.M.No.583/2004 dt.16-7-2004, as illegal, void and ultra vires of the provisions of A.P.Schedule Commodities (Regulation of Distribution by Card System) Order 1973 and consequently direct the respondents herein to restore the authorisation of the Fair Price Shop of the petitioner situated in Nemalikallu Village, Peddakadubur Mandal, Kurnool District.

**Counsel for the Petitioner: MR.K.V.CHALAPATHI RAO**

**Counsel for the Respondents: GP FOR CIVIL SUPPLIES**

**The Court at the admission stage made the following:**

**ORDER:**

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies appearing for the respondents.

This writ petition is filed assailing the order passed by the second respondent dated 16.07.2004, whereunder the authorisation of the petitioner was suspended on the basis of the report of the Mandal Revenue Officer, Peddakadubur Mandal, Kurnool District, stating that the petitioner has committed certain irregularities in the distribution of commodities to the cardholders.

This Court having prima facie found that the impugned order which is in the nature of a final order by way of substantive punishment, was passed without affording an opportunity to the petitioner to rebut the allegations, while directing notice to the respondents, by order dated 19.08.2004 granted interim suspension of the impugned order dated 16.07.2004. However, no counter-affidavit has been filed so far and nothing has been placed before this Court to show that the petitioner was issued a notice before passing the impugned order.

However, it is brought to my notice that against the impugned order,

the petitioner preferred an appeal before the first respondent-Joint Collector and the same is pending. Since the statutory appeal is pending before the first respondent, without expressing any opinion on merits, I deem it appropriate to dispose of the writ petition, without expressing any opinion on merits, with a direction to the first respondent to dispose of the appeal pending on his file as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order.

Till the appeal is disposed of, the impugned order of suspension, dated 16.07.2004 shall not be given effect to.

Accordingly, the writ petition is disposed of. No costs.

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28.10.2004

VGB

To

- 1 The Joint Collector, Kurnool, Kurnool District.
- 2 The Revenue Divisional Officer, Adoni, Kurnool District.
- 3 The Mandal Revenue Officer, Peddakadubur Mandal, Kurnool District.

4 2CCs to the Government Pleader for Civil Supplies, High Court  
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